



FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
SOUTH CENTRAL REGION

Dallas Office
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Dallas, TX 75243
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November 16, 2015

Michael Stutes
204 County Road 179
Gary, Texas 75643-4951

NOTICE OF UNLICENSED OPERATION

Case Number: EB-FIELDSCR-15-00020301
Document Number: W20163250001

On November 2, 2015 in response to a complaint from Cellular One of radio frequency interference (RFI) affecting the frequency range of 830.3MHz to 834.4 MHz in Gary, TX, an agent from this office investigated the source of the RFI. On November 9, 2015, Mr. Michael Stutes of 204 County Road 179, Gary, Texas 75643 admitted that he owned a Bi-Directional amplifier (BDA). Mr. Stutes disconnected the power from the BDA. Since then, the interference has ceased. The Commission's records show that no license has been issued to Michael Stutes for operation of this station from this location in Gary, Texas.

Cellular One has a license to provide cellular communications on 830.3 MHz to 834.4 MHz. Section 22.383 of the Commission's Rules, which applies to public mobile service licensees like Cellular One, provides that "[l]icensees may install in-building radiation systems without applying for authorization or notifying the FCC, provided that the locations of the in-building radiation systems are within the protected service area of the licensee's authorized transmitter(s) on the same channel or channel block."¹ A licensee's authority to install a BDA does not permit a subscriber to install a BDA, unless that subscriber has received explicit authorization from the licensee to do so. In response to an inquiry from an FCC agent, Cellular One reported that it did not provide you authorization to install a BDA.

Operation of radio transmitting equipment without a valid FCC authorization or license is a violation of Section 301 of the Communications Act of 1934, as amended,² and may subject the responsible parties to substantial monetary forfeitures, *in rem* arrest action against the offending radio equipment, and criminal sanctions including imprisonment.³ Because unlicensed operation creates a danger of interference to important radio communications services and may subject the operator to severe penalties, this warning emphasizes the importance of complying strictly with these legal requirements.

UNLICENSED OPERATION MUST NOT BE RESUMED.

¹ 47 C.F.R. § 22.383.

² 47 U.S.C. § 301.

³ See 47 U.S.C. §§ 401, 501, 503, 510.

You have ten (10) days from the date of this notice to respond with any evidence that you have authority to operate granted by the FCC or have obtained consent from a licensed Common Carrier. To resolve the issues with respect to your authority to operate this device, and pursuant to Section 403 of the Communications Act of 1934, as amended,⁴ provide an explanation as to what has been done to correct the interference issue and to ensure that it will not recur; provide any agreements made with any cellular carrier to operate the system and include any relevant documents. Identify the make, model and serial number of each piece of equipment including the antennas if applicable.

Your response should be sent to the address in the letterhead and reference the listed case and document number. Under the Privacy Act of 1974, 5 U.S.C. § 552a(e)(3), we are informing you that the Commission's staff will use all relevant material information before it to determine what, if any, enforcement action is required to ensure your compliance with FCC Rules. This will include any information that you disclose in your reply.

You may contact this office if you have any questions.

James D. Wells
District Director
Dallas District Office

Attachments:

Excerpts from the Communications Act of 1934, As Amended
Enforcement Bureau, "Inspection Fact Sheet", March 2005

⁴ 47 U.S.C. § 403.